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PATRICK E. DUFFY, CL

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05-35264

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

RANCHERS CATTLEMEN ACTION LEGAL
FUND UNITED STOCKGROWERS OF
AMERICA,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF
AGRICULTURE, ANIMAL AND PLANT
HEALTH INSPECTION SERVICE, and ANN
M. VENEMAN, IN HER CAPACITY AS THE
SECRETARY OF AGRICULTURE,

Defendants.

CV 05-06-BLG-RFC

NOTICE OF PRELIMINARY
INJUNCTION APPEAL

UNITED STATES OF AMERICA } ss.
DISTRICT OF MONTANA

I, PATRICK E. DUFFY, Clerk of the United States
District Court for the District of Montana, hereby
certify that the above and foregoing is a true copy
of the original now on file in my office.

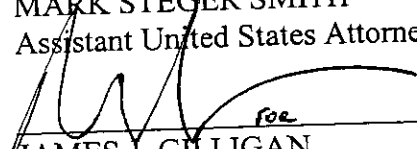
Dated the 18th day of March, 2005

PATRICK E. DUFFY, Clerk
By *Snyho*
Deputy

In accordance with Rule 3 of the Federal Rules of Appellate Procedure and Ninth Circuit Rule 3-1, notice is hereby given that all defendants in the above named case, the United States Department of Agriculture, Animal and Plant Health Inspection Service, and Mike Johanns, in his capacity as the Secretary of Agriculture, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Opinion and the Order of Preliminary Injunction filed in this action on March 2, 2005, and entered on March 3, 2005.

Dated: March 17, 2005

Respectfully submitted,
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CERTIFICATE OF SERVICE

I certify that on March 17, 2005, a copy of the Notice of Preliminary Injunction Appeal was served upon plaintiff's counsel by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Billings, Montana.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

**RANCHERS CATTLEMEN ACTION LEGAL
FUND UNITED STOCKGROWERS OF
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Plaintiff,

vs.

**UNITED STATES DEPARTMENT OF
AGRICULTURE, ANIMAL AND PLANT
HEALTH INSPECTION SERVICE, and ANN
M. VENEMAN, IN HER CAPACITY AS THE
SECRETARY OF AGRICULTURE,**

Defendants.

C.A. No. 05-*****

CV 05-06-BLG-RFC

**APPELLANTS' REPRESENTATION
UNDER FEDERAL RULE OF
APPELLATE PROCEDURE 12(b)
AND LOCAL RULE 3-2(b)**

In accordance with Federal Rule of Appellate Procedure 12(b) and Local Rule 3-2(b), defendants/appellants in the above-captioned appeal hereby file the following representation statement:

1. Plaintiff-Appellee. Ranchers Cattlemen Action Legal Fund United Stockgrowers of America was plaintiff before the district court and is appellee before this Court. It is represented by the following counsel:

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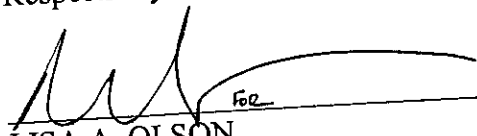
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2. Defendants-Appellants. The United States Department of Agriculture, Animal and Plant Health Inspection Service, and Mike Johanns,¹ in his capacity as Secretary of Agriculture, were defendants in the district court and are appellants before this Court. They are represented by the following counsel:

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DATED this 17th day of March, 2005.

Respectfully submitted,


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¹ Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Mike Johanns has been automatically substituted for former Secretary of Agriculture Ann M. Veneman.